

United States District Court
Eastern District of California

Kendall Cooke,

Plaintiff,

vs.

D. L. Runnels, et al.,

Defendants.

No. Civ. S 05-0684 LKK PAN P

Order

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October 6, 2005, plaintiff filed a notice of dismissal.
Since defendants have neither answered the complaint nor moved
for summary judgment, the Clerk of the Court is directed to enter
plaintiff's dismissal without prejudice. Fed. R. Civ. P.
41(a)(1).

So ordered.

Dated: November 22, 2005.

/s/ Peter A. Nowinski
PETER A. NOWINSKI
Magistrate Judge